File No. 15

1885

Collection No. 3

Imperial Residency

22/1/47

Proc. Serial Nos. 76 16

65

Subject.

Scope of operation of Acts XX of 1847 & XXV of 1886; in the Imperial State and in the C & M station of Bangalore & issuing revised rules under the latter Act for the station

Previous References.

Later References.

F 475 of 1885
F 637 of 1887
2159 of 1889
F 392 of 1893
F 443 of 1902
F 195 of 1909
F 97 of 1913
F 181 of 1922

MGIPC—FP—725DCF—S&P (C.1576)—14-3-28—60,000.

15. With reference to the Assistant Residents' orders at para 13 above, the following is respectfully submitted for consideration.

16. Act XX of 1847 which has for its object the defining and providing for the enforcement of the right called Copyright provides, in sections 3 and 5, that the copy right of a work published in British India can be secured

(1) by the payment of a fee of Rs. 2/ to the Secretary to the Government of India in the Home Dept.;

and

(2) by causing the entry of certain particulars regarding the work to be made in the Book of Registry kept in the Office of the said Secretary.

17. Subsequently Act XXV of 1867 was passed This act has for its object the Regulation of printing presses and newspapers, and the preservation of copies of books printed in British India With the view of carrying out this object this provides

(1) that three copies of every book printed in British India shall

be delivered by the printer to an officer appointed by the Local Government (Sec. 9), (2) that one of such copies shall be transmitted to the Secretary of State for India (Section 11); (3) that another copy shall be disposed of as the Government of India shall direct (Sec. 11); and (4) that the remaining copy shall be deposited in a public library or otherwise disposed of, as the Local Government shall direct (Section 11).

18. It is also provided (in S. 18 of Act XXV of 1867) that a catalogue of all books printed in British India shall be kept at such office as the Local Government shall appoint and that this catalogue, the name and other particulars of every book which has been printed in British India shall be registered

19. The entries made during each quarter in the catalogue above referred to have (under Section 19 of Act XXV of 1867) to be published in the Local Gazette, and copies of the same have to be submitted to the Secretary of State and to the

Secretary

Secretary to the Government of India in the Home department.

20. ~~In providing for the registration of books in the catalogue above referred to this also provided that~~ Act XXV of 1867 which does not specially relate to the Copyright of Books, contains however, in Section 18, one provision in regard to copyright. This to the effect that every registration made in the Catalogue under Section 18 shall, upon payment of the sum of Rs 2 to the Officer keeping the said Catalogue, be deemed to be an entry in the book of Registry kept in the office of the Secretary to the Government of India in the Home Department under Act XX of 1847 (Copyright of books).

21. The effect of the two enactments as regards the Copyright of books, therefore, is that while under the Act of 1847 application has to be made to the Secretary to the Government of India in the Home Department

in every case for securing the copyright of a work, under the Act of 1867 copyright may also be secured in the province in which the book has been published, by simply paying Rs: 2 to the Officer who keeps the Catalogue. The last named provision seems to have been made in the Act of 1867 with the view of removing the inconvenience which would be caused to parties by having to apply to the Government of India in each case in which a copy-right is wanted.

Yes, so understand the Law. But the Copyright so secured is only Law of Act within the limits of such Province. Hunt

22. In order to give practical effect to the provision made in the Act of 1867 as regards the copy-right of books, the Government of India in the Home Department, in letter No. 15/813 dated the 6th May 1876, instructed Local Governments to submit with the quarterly Catalogue of all books printed and delivered, an extract from the same Catalogue relating to books the copyright of which was secured, (as entered in Book of Registration under Act [illegible]

Serial No 1

In a later Communication (letter No. 40-1929 dated 2d. Dec. 1876)

Serial No 2

Mr Hunt

the Government of India pres-
cribed the form in which such
extracts should be submitted.

23. So far as ~~British India~~ towards
the change of procedure in regard
to the securing of copyrights pres-
cribed by section 18 of Act XXV of
1867, is, so far as the Government
is concerned, practically the same
as that prescribed by sections 3
and 5 of Act XX of 1847. The fee
of two rupees, instead of being paid
to the Home Department of the
Government of India, is paid to
a local Government and is credited
in a British Treasury. The Extract
(from the Catalogue of books) sub-
-mitted under the instructions con-
-tained in letter No. 15/813 d: the 6th May 1876
from the Home Department referred
to in para 22 above, is copied in
the book of Registry kept in the
Office of the Home Department, and
the requirements of sections 3 & 4
of Act XX of 1847 are fulfilled

24. The case however is

materially altered when the operation of the Acts in the Native State of Mysore is taken into consideration.

25. Both the Acts under reference were, by Notification No. 176 of the 12th September 1867, of the Government of India, Foreign Department, declared in "force in the province of Mysore". No modification was made when the Acts were introduced, and the terms "British India" "Secretary to the Government of India, Home Department", "Secretary of State", "Governor General in Council" &c. were left unaltered; and as the Acts were simply "declared in force" in Mysore it appears to have been considered that the returns prescribed in the Acts for local Governments in British India should be submitted to the Government of India by Mysore just as well as any local Government in British India.[⊗] Again, the Circulars referred to in paragraph 2 above were communicated to the Chief Commissioner of Mysore, and the practice in Mysore has all along been to submit to the Government of

Sch. A

⊗ No doubt because Mysore was then practically a part of British India. Whether the Acts would have been declared in force in Mysore if it had been a separate State is another matter.

of India the catalogue of books &c prescribed by the Act.

26. When the Acts in question were extended to Mysore the Chief Commissioner in his Notification No. 169 dated 11th October 1867 framed subsidiary rules under section 20, [illegible] of Act XXV of 1867. In these rules it was provided that the fee of Rs 2. for securing the copyright of a book shall be paid to the Deputy superintendent (now Deputy Commissioner) of the District. It would seem from Mr. Hudson's Demi official letter dated 24th June 1885 that this fee has all along been kept in the Mysore Treasury as a part of Mysore revenue. Seeing however, that the copyrights secured in Mysore are registered in the book of Registry kept in the Home Department and therefore hold good for the whole of British India, it would seem that the fee should properly have been credited to Imperial Revenues. This point, however,

x Page 18 in book (Sup. A.)

Encl No. 8.

This seems to have been done because the Govt. of India never issued any instructions that the fee should be credited to the Imperial Govt.

J. Thirds Do. Hues 11.9.85

seems never to have been mooted ~~has not been~~ up to date.

27. The amount of the fee is of little importance and its payment to the Imperial revenue can, if this be considered necessary, be easily arranged with the Durbar But the more important question arises whether after the rendition of the province, Mysore can properly be considered as a part of British India, and whether copyrights secured therein can be considered as having effect in British India ~~[illegible]~~

It may be noted here that the Mysore Govt. pays for the books supplied to Public. under S. and sent to the of India and the Secty State under S. 11 of Act XXV of 1867 (vide para 5 of this Note) The price of these is properly a charge the British Govt.

28 The Acts were extended with out any modifications, and have continued in force in the State subsequent to the rendition by virtue of Article* 19 of the Instrument of transfer. In construing the Acts, however, the Government of Mysore has in its notification No. 153 dated 2nd September 1881 ruled that in Acts, Rules and Regulations now in force in Mysore, ~~British India shall include the Territories of Mysore, and~~ the terms "Government of India, Governor General in Council" &c shall

* A copy of this is put up (slip B.)

slip C

shall mean the Government of His Highness the Maha Rajah of Mysore. This Notification has since been altered with the sanction of the Government of India and it has been* ruled that that Notification shall not relate to British subjects in the case of certain enactments, to the General Clauses Act I of 1868, to Section 230 of the Indian Penal Code, and to the India Coinage Act XXIII of 1870. As the Acts of 1847 and 1867 now under reference are not excluded from the operation of the Notification of the 2nd September 1881 it follows that the rules of interpretation laid down in that Notification are applicable to these Acts. In the Acts as now in force in the State, therefore, "Mysore" has to be substituted for British India; the "Government of His Highness the Maha Raja of Mysore" for "Governor General in Council" and "Local Government"; "Secretary to the Government of Mysore" for "Secretary to the Government of India in the Home Department," &c.: and ~~all references to the Government of India in the Acts must be considered as having been struck out from the Acts~~

29. If this view is correct, copy-rights granted in Mysore after the

* From Foreign Dept. No. 1544 I. dated 16th May 1885. (Slip D).

* Notification in Mysore Gazette No. 42 of 31 Aug. 1885 (Slip E).

* which apply proprio vigore to Mysore.

Rendition have effect only within the limits of Mysore; and consequently it is not necessary to forward to the Government of India "quarterly extracts from the Catalogue of books" specifying the books the Copyright of which has been secured. The fee too will be rightly credited as Mysore revenue, Persons who wish to secure in British India the Copyright of their books published in Mysore will have to apply for the same to the British India authorities on payment of a separate fee of Rs 2.

This conclusion seems to be correct.
K. Rau.

30. For the reasons above given the Act of 1867 also ~~will~~ applies only (without any connection with British India) to the Territories of Mysore, and the Government of Mysore are not legally bound to supply ~~copies~~ to the Government of India and to the Secretary of State copies of books printed in Mysore (Sec: 11) or the quarterly Catalogue of books printed in Mysore (S. 19), as has been the practice hitherto. If the British Government may desire to have the existing practice in this respect continued, it is submitted that it can well be managed as a private arrangement between the two Governments.

31. The question which has now sprung up being a very important one, it is submitted that it may be represented to the Government of India, and its instructions taken before addressing the Durbar on the subject.

32. In the meantime as the decision of this question is likely to occupy some time it is submitted that the extract from the catalogue of books (relating to Copyright) which has to be forwarded quarterly to the Home Department may as usual continue to be sent up pending the final decision of the matter.

H.H.
11.9.85

33. File No. 328 of 1885 (Notification by the Dewan to H.H. the Maharaja of Mysore No. 15. dated 2nd September 1881) is herewith submitted for reference.

Hon'ble
H.H.
11.9.85

34. Please see Mr Ananthanarayana Rao's careful note. The several anomalous practices described in it is one for cause which has arisen out of the prolonged absence

of the Mysore State by a British Govt. and its treatment for all practical purposes as though it were an integral portion of British India. Mr A. Rao's conclusions appear to me to be correct, and if the Rajah in these the best course would be perhaps, as he suggests, that we should now address the Home Dept., explaining the present position of affairs, and the doubts which have arisen, and ask for instructions for future guidance. I imagine that the new sections in para 29 of Mr A. Rao's note is right. } A

Bruce
11.9.85.

25.

A. This seems to be correct: But please ask Mr Plumer whether he will favour me with his opinion. When the case comes up again to me let him or three of the last quarterly lists of books be sent. } B

C 12.9.85.

26

Mr Plumer's answer herewith filed is "A copyright secured in Mysore is no bar "section out of the Province. The Serishtadar "is unquestionably right." The case is. He has sent for perusal deals with the points

Whether the reprint in Madras of a Copyright work of Mysore can be legally sold in Mysore. & he has decided against the legality of such sale.

Mr. A. Rao might now prepare a draft to the Home Dept as proposed in para. 34 of this note by the Asst Regr. When the draft is submitted & the please attend to the request at B in para. 35.

G 15. 9. 85.

38. Mr K. Rao. Please do as briefly. Bruce 16. 9. 85.

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39. Before a draft as directed above had been submitted, orders were received from the Offg Resident that the question of Copyrights secured in the Civil and Military Stations of Bangalore should be considered and reported upon. The Offg Resident's remarks and the papers

(X) on page 19 of these notes.

thereupon are given in the following
pages of this Note.

Ass't Pres't

40 It occurs to me that that question of copyright lately referred to me, & which a Rep. of H. J. is, I believe now under preparation, is further complicated by the necessity of defining the relations as between Mysore Territory & the Assigned Tracts, in the latter the Jurisdiction being with the B. Govt & the Sovereignty with the M. R.) & as between the Assigned Tract & British Territory. It seems to me that these considerations will also have to be taken before the S. of J. can

Matter & Let me know

Jour opinion

19.9.83.

41. Mr. Manohaman Rao.

Rao: Let me have the file against. Shall note If you are busy, Rao. Speak to me at any time when you may happen to come to me

2016.

42. The question of Copyright as it relates to the Civil and Military Station of Bangalore stands as follows.

43. The Copyright Act ~~XX~~ of 1847 and the Act for the regulation of Printing Presses and Newspapers (No. XXV of 1867) were both of them extended to the State of Mysore by Notification No. 176 dated the 12th September 1867 of the Govt. of India in the Foreign Department. As the tract now comprised within the Civil and Military Station of Bangalore formed an integral part of the State of Mysore up to the date of the Reduction the Acts in question had effect in that tract up to that date under the authority quoted above.

On the assignment of the tract in question to the British Government by H.H. the Maharaja on the 25th March 1881, that tract (now called the C & M Station of Bangalore)

× Vide page 1 of the accompanying book (Vide A)

attained a separate status from the rest of the Mysore State. (So far as jurisdiction is concerned, but the sovereign rights of the Maharaja over the district remained unaffected, just as the sovereign rights of the Nizam over the Berars are undisputed) H.H. the Maharaja having, by the Instrument dated the 25th March 1881, pronounced all jurisdiction over the lands comprised within the C & M. Station, the Governor General in Council has succeeded to all the powers and jurisdictions belonging to His Highness in regard to that tract, including the power of legislation. ~~for the~~

45. In the exercise of such power the Government of India, in Notification No 126 G. P. dated the 28th April 1881, issued in the Foreign Department, declared that "all laws, regulations and rules in force in the aforesaid lands on the 25th day of March 1881 shall be deemed to be now in force therein." By this authority all the laws in force in the tract now styled the C & M Station of Bangalore, before

Sep F

the date of the Reduction of Mysore, became applicable mutatis mutandis to the C & M Station under Section 1 rule.

46. Subsequently, with the view of formerly defining the Laws in force in the Station, another Notification, No. 2252 I. dated the 7th August 1883, was issued by the Government of India in the Foreign Department That Notification contained a carefully prepared list of all the Acts in force in the C & M Station of Bangalore, and (in it was specified) the Extent to which, and the modifications with which, each Act was applicable to the Station. ~~and therein specified.~~ And it was formally declared by that Notification, ~~that~~ that the Acts named in the list appended to it applied to the Civil and Military Station to the Extent and subject

to the modifications specified opposite to each.

In the list appended to the Notification above referred to, ~~which~~ it is specified in regard to Acts XX of 1847 and XXV of 1867 which are now in question, that they are applicable in full to the C & M Stn. of Bangalore and that they are applicable without any modifications.

It follows therefore that in the Acts now in question as they are in force in the C & M Stn of Bangalore, the terms "Governor General in Council" and "Government of India" refer actually to the Govr Genl. in Council and to the Govt: of India, and not, as in the case of Mysore after the Rendition, to the Government of H.H. the Maharaja of Mysore.

certainly

The Rules of Interpretation prescribed for reading the Acts in force in the Mysore State

do not apply to the Acts in force in the Civil and Military Station of Bangalore which is now administered by the British Government.

49 Copyrights of books registered in the C & M Station of Bangalore have therefore to be registered in the Book of Registry kept in the Office of the Home Department of the Government of India, under the provisions of Sections 3 and 5 of Act XX of 1847, and by the fact of such Registry such Copyrights would hold good not only in the Civil and Military Station but also in British India

Yes.

Can be done 65(a)

50. The fee collected in the C & M Station on account of Copyright is remitted to the Residency Treasury under the provisions of Rule 3 of the subsidiary Rules under S. 20 of Act XXV of 1867, which were

issued by the Resident in his Notification No 14 dated the 16th January 1885

Serial No in File No 78 of 1885 Books published in the C & M Dist - 1885) submitted herewith.

51. The quarterly catalogue of books registered in the Station and the extract therefrom relating to Copyright and the copies of the books registered have all to be submitted to the Government of India under the provisions of the Acts as they are now in force in the C & M Station As this is now being done no change in the existing arrangements appears called for

Time.

52. The position therefore of the Coorg and Mudgary Station in regard to the Copyright of books and the registration of books is that it is ~~xx~~ treated as if it were a part of British India While it is so treated, the C & M Station has nothing in common with the territories administered by H H the Maharaja of Mysore.

Yes. Yes. Let him have it. 12 Dec

With the law as now in force in Mysore and in the C & M Station of Bangalore,—

(1) Copyrights secured in Mysore have no force either in British India or in the C & M Station of Bangalore

(2) Copyrights secured in the C & M. Station have force there and in British India, but not in the Mysore State; and

(3) Copyrights secured in British India have force there and in the C & M Station of Bangalore, but not in the Mysore State

54. The position of the C & M Station of Bangalore is briefly referred to in the draft letter to the Government of India which is hereunto submitted for approval.

It has been ordered at para 37 (page 17) of this Note that the letter to be issued on the present occasion should be addressed to the Governme

of India in the Home Department. It is respectfully submitted, however that it appears more appropriate to address the Foreign Department in the present instance

first, because all communications from this office to the Government of India regarding Mysore and the C & M Station of Bangalore are, as a general rule, addressed to the Foreign Department, and

secondly, because the Foreign Deptt has, up to date been issuing all the Notifications and orders relating to the Acts in force in Mysore and in the C & M Station of Bangalore and has been dealing with all questions connected with the working of such Acts.

It is at the same time respectfully submitted that in para 31 (page 15) of this note it was simply stated that the case should be prosecuted to the Government of India, meaning the Foreign, not the Home, Department. The draft letter to the Government of India is, for the foregoing reasons, addressed to the Foreign Department. As the present reference will probably affect the Catalogues very now periodically submitted to the Home Deptt, there is no doubt that

The questions are in matters of routine dealt with by other Deptts. For instance, the Railway Traffic returns for Mysore are sent to the P.W. Deptt of the Govt of India, the reports and telegrams regarding Weather and crops and Prices current of food grains to the Revenue and Agricultural Deptt, and the Catalogues of books go to the Home Deptt.

Letter to Govt & Foreign Dept. which will amend Home Dept.

that Department would be consulted by the Foreign Office before the question is finally disposed of

57 With reference to the Offg Resident's order at B in para 35 (page 16) above, two files, viz, No. 475 of 1885 (Books published in the State of Mysore — 1884 and 188 and No. 78 of 1885 (Books published in the C & M. Station — 1885) are herewith submitted The printed pap in these files are the Catalogues of Books published in Mysore and the C & M. Station of Bangalore, which are submitted quarterly to the Government of India. The separate lists of books for which the copyrights of which have been secured, which are submitted quarterly, will be seen, so far as regards Mysore, as enclo to letter No. 2566/389 dated the 30 March in File No. 475 of 1885, 1885 and so far as regards the C & Station of Bangalore as enclosures in letters Nos. 798/142 and 1446/233. dated respectively the 30th June and the 1st September 1885, in File No. 78 of 1885

~~It appears from letter of~~

~~942 166 dated the 4th July last letter~~

~~pp~~

58. It appears from the papers herewith submitted that the Submission of the Government of India of the separate list of books the copyright of which has been secured, has been discontinued by this Office of late, pending probably the decision of the question mooted in the first part of this Note

Attention is respectfully invited to para 32 page 15 above, and it is submitted that, as the decision of the question is likely to take ~~time~~ much time, the last above mentioned may continue to be submitted as usual until the matter is finally disposed of

1.59

~~Yes but~~ The above rule appears to me to be correct throughout. The Original Act may be so is regarded for all intents & purposes as a part of Br. India, but it has other advantages over ~~the~~ of Br. India strictly so called the Acts of the Legislature of Br. India do not extend to a foreign region, but

Please see file 1117/85

Yes.

Yes - but I don't think that the Govt. of India will take long in deciding the matter, unless Legislative Dept. (wh. will of course be consulted) keeps the pp. Bms.

Ppra Leads the Issue Nos in margin of dft. to Mr. Ds intimation

Issue to be separately extended, mutatis mutandis by Mr. Cf. in C. 60 Dft. to Foreign Dept. submitted for approval

Mrm
5.10.83

Issue
J.H.L
10.10.85

61 Drafts signed — letter No. 1939 dated 12th October 1885 to the Secretary to the Government of India, Foreign Department.

62 No reply has as yet been received, a draft reminder be submitted for approval?

M.R.
9.1.86. 63. Keep for a month

J.H.L
12.1.86

Serial No. 12

64 Letter No. 218. I. dated 19th January, 1886, from the Government of India, Foreign Department.

In the above letter, the Government of India communicates its orders on the several questions raised in this Office letter No. 1939 of 12th October 1885 in connection with the operation of Acts XX of 1847 and XXV of 1867 in the territories of Mysore and the Civil and Military Station of Bangalore with special reference to the preservation of the Copy-rights of works.

Serial No. 11

5. The points submitted were

(a) Whether Copy-rights secured in Mysore since the Restitution under the provisions of the above Acts have effect in British India. The Government of India has observed that Mysore being foreign territory, the application of these Acts affords no protection beyond that State. Copy-right of a book published in Mysore only and can under the above Acts as applied to Mysore be acquired in that State and not in British India.

(b) Whether the cost hitherto incurred in supplying copies of books published in Mysore to the Government of India and Secretary of State should be borne by Imperial Revenues or Revenues of Mysore, and

(c) Whether the fee of Rs 2/- levied for securing the copyright of books in Mysore should be credited to Mysore Government or Imperial Revenues.

With regard to these two points (b+c) the Government of India considers it unnecessary to take any action.

(d) Whether it is necessary that quarterly extracts showing the copy rights granted and secured in Mysore should be forwarded to the Government of India, and

(e) whether the Mysore Government is under any legal obligation to supply to the Govt. of India and Secretary of State copies of books printed in Mysore or quarterly Catalogues of such books.

The Government of India is of opinion that the Mysore Government is under no obligat to supply quarterly extracts and copies of works therein referred to to the Govt. of India and Secretary of State, and directs that the practice be discont

As regards the Civil and Military Sta of Bangalore, the Government of India has decided that so far as copy-right is concerned, the Assigned Tract is in the same position as Mysore.

The purport of the Government of India's letter may be communicated to the Durbar and District Magistrate, & the Station of Bangalore, for information

The Dewan may be asked to favour us with 30 copies of the quarterly Catalogue for ex (but no books necessary). The copies of the Catalogue will be distributed as usual but without reference to the Act.

The Notification published in January, 1885, with reference to the Civil and Military Station should be so far modified as to make it compulsory on the printers to furnish one copy only each book (not 3 copies as hitherto) to be kept in the District Magistrate's Library. (Copies of Catalog relating to the Civil & Military Station will be distributed as mentioned in para 67. No copies of works need go to the Government of India The required modifications to the Notification

for information and distribution as below

V.

* 16 copies to the Govt. of India
7 — do Secy of State
2 — do Chief Librarian, Royal Library, Berlin. 68

Sl. No. 1 in File No. 78 of 1885.

of the 15th January, 1885, are entered in pencil and submitted for approval. When approved, the Notification will be published in the Gazette of India.

slip

AJ
6.3.86.

5q. The suggestions made in Para 66 and 67 may be carried out. It is as well that we should have catalogues of books published hereafter as to procure any desirable books, but with reference to the supply of copies of every work[x] printed or lithographed on the C. & M. Station, as the Station is reckoned as part of a Native State shall we with be going against the rules laid down in para 4 of S-12 the recent letter[x] from the Govt. of India — of 5q. one shall I suppose have to ascertain from the Govt. of India whether the Notification in the Govt. of India Gazette dated 15 January is to[x] remain in force or not

[x] Vide Not 15 Jan. 1885 Slip X

[x] S-12

Slip X

Resident

J. H. U
23.3.86

The Notification (S. 13) of 15.1.85 exclusively refers to the C. & M. Stn., whilst para 4 of G. O's letter (S. 12) refers to the

Mysore Govt only. The latter has no bearing on the former. The Cd M. Stn is, so far as sovereignty is concerned, a part of the dominions of the M. R. of Mysore, but having been assigned to us it is, so far as administration & jurisdiction are concerned, subject to such laws & rules as the Supreme Govt allows to be applied to it. Of such is the Notifn above referred to. If one copy of publications is sufficient in the future then we may reasonably ask the details, & so save the price of the two other copies.

For the rest the Embarkation Officer should ~~be~~, so far as each is concerned be addressed as briefly as possible in consequence of Pt 12. There is no reason to repeat the arguments of para. 3 of that paper

72. Let me see the ~~alterations~~ draft. Will the altered Notifn need the sanction of the S. O.?

G
25. 3. 86.

73. Submit drafts giving purport of paras 1, 2, and 4 of Govt of India letter - reply to para 12. All should be submitted by Monday [29th].

J. Bl
26-3-86

74 Two drafts accordingly submitted for approval. Mayhew. Bl

P.T.O.

75. The proposed alterations to the Resident's Notification № 14 dated 15th January, 1885 do not require the sanction of the Government of India. The Local Govt has the power of making rules for carrying out the objects of Act XXV of 1867 and from time to time to repeal, alter and add to such rules. Please see Section 20, page 17, in Slip A. The draft revised Notification, if approved, will be published in the Gazette of India. St. № 13

St. № 14

29.3.86

76. The changes proposed are only shown in pencil as yet - if Resident approves of them a revised copy will be written out, and forwarded with the heading of the Notification now submitted 5 13

Resd

J. N. L.

30.3.86. 30-3-86.

J. N. L.

30-3-86

77. Notification to the Publisher, Gazette of India, issued, № 835 dated 2nd April 1886. St. № 14+13.

Letters issued dated 2nd April 1886.

To. the Secy to the Dewan № 837/155 St. № 16

" the Collector, Cuddapah " 836/155 St. № 15

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78. Letter № 1017 dated 13th July 1886 St. № 17

from the Government of India, Home Dept.

In the above, the Government of India with reference to the Catalogues of books registered in Mysore & the Ft St. Station forwarded from this Office subsequent to the receipt of

Sl No 12 of File No 15 of 1885

79 the Foreign Department letter of 19th January 1886, enquires whether there is any special reason for supplying these Catalogues to the Home Department.

Sl. No 12

80 In the Foreign Dept^t letter of 19th January 1886, the Government of India ruled that Copy rights secured in Europe & (& in States, had & have no effect in British India, & directed the discontinuance of the practice of furnishing the Home Dept^t with copies of works published ~~or sold~~ quarterly Catalogues under the provisions of Acts XX of 1847 & XXV of 1867. As copies of these Catalogues were forwarded to the Govt^t of India, Home Dept^t, the Secy of State for India & the Chief Librarian, Royal Library, Berlin, ~~etc~~

Sl No 12 of File No 15 of 1885

before the receipt of the Foreign Department letter referred to, these Catalogues were as before, ordered to be furnished to those to whom they were supplied, merely for information and without reference to the Acts (Please see paras 67 and 68 of Note). Accordingly the Catalogues referred to in the letter under reference, were forwarded to the Home Department.

81 May the Home Dept^t be informed that the Catalogues referred to in Sl No 17 were forwarded merely for the information of the Govt^t of India, and that there is no

special reason for supplying them?

Minute sheet

21st July 1886. [illegible]

32. What is the case of sending them if they are not ordered. Mr. Clarke please look at this and let us know

22/7

33. There may be some in this case but was no particular reason for sending catalogues? Store dept. merely for office use. In future we should not send items to the Govt. of India I think

24/7

34. Draft accordingly submitted for approval.

A.J.

24-7-86 [illegible] 25-7-86.

85. Letter to the Home Deptt. issued. No. 2125 dt 26th July 1886. [illegible]

Of 22nd June 1883.

Mr
My dear Mr Sudlow

As you are aware the copy- right of a Publication ~~Book~~ is secured by the Proprietor thereof paying to Government the sum of two rupees, and ~~is entitled to the provisions of Section 18 of Act XXV of 1867, that~~ this book so secured has then to be entered in the Book of Registry kept in the Home Department of the Government of India under Section 3 of Act XX of 1847 ~~He is therefore to understand~~ that the Registrar Government receives the sum of two rupees from the Proprietors of books published in the Bombay State but he would like to

know whether the
Mysore Government are
willing to pay over the
to the British Govern-
ment the two rupees
in order to secure to
the Proprietors in
Mysore the benefits
of the Acts.

Yrs truly
A Maclaudlan

If the Works are to be
repaired (Mr J. S. M
seems right that the fee
should be made over
to the Letter If you
agree, will you kindly
let me know this
arrangement can be
made in future?

15/16

E. Rivers
25 June 85

W. D.

To Mr. Hudson

of 22d June/65

8

Copy despatch

[illegible]

Stephen Hotalen

No. 1

Inclosed is Despatch No 9
from Chemnitz Saxony of 11
Oct 67 in regard to the
Disposition of Books belonging
to Prussian Libraries in Saxony
Also Copy of Despatch
from Legation to Chemnitz
thereon which Books delivered.
Last Copy from Chemnitz
to be sent from Berlin

that as the Catalogue Department is founded in deference to Sec 18 of act 25 of 67 the Equivalent-in-Kind Register (Work of Reference) presented by the Official Act (XX of 47) which provided that the Register from the Office in the Office of the Keeper of Records should always be kept in the Registry Office of the Master of the Rolls

Yours faithfully

[illegible]

Secretary of the Commissioners of the Treasury and the Records, that is to say, the Master of the Rolls, the Keeper of Records, the Deputy Keeper of Records, the Secretary of the Treasury, the Chief Clerk of the Treasury, and the Chief Clerk of the Records.

Yours faithfully,

[illegible]

[illegible]

the Lib. apparently publications in the Library State need not be entered in the House Dept Catalogue & Register. There will please note Mss. on the print. Thom 24/6

A. My remembrance
is that ~~it was~~ "informal"
was the word used. I do not recall
that we agreed upon the reference
necessarily being direct. The
Mr Alderson Matter is of no importance, exc. that as the
Please indorse
the Reference shd
I rec'd the accompg
from Chartsdale
I prefer briefly direct to Q
Q then I think agreed that the
references should be of a private
& confl nature I do not know
affixed to the Sh's memo and
that I shd charge nothing for
with my opinion This gives the

Reference a man public of
Good character as also does
the fact of the reference being
made through a third Person
Richard I therefore reply to
with a letter from an Officer
matters sent by Martindale,
through the Registrar but that
Mr Cutrick the printer confided
Later which we agree Reference
like the present Charles Lee.

Martindale does not seem
to respect the point as
which my opinion is expected
in my Children his letter
(enclosed) is my General
conclusion from your note the
2nd enclosed that you wish whether
whether I think that the S.W. is
correct in saying in the Letter
first of June 29 of his Lease
that Persons who wish to Leave

Copyright in Br. India does not
exist in Br. India. In any
future a copyright secured
in Mysore is no protection
out of the Province both is
unquestionably right

Yours Sincerely
G. Rice

15-9-85.

Mysore
Chief Comm.
Miscl. Dept.
Secr. No 13
of 1884.

The Enclosed Post Card was
forwarded for copyright but was
perhaps without use.

See [illegible]

Resident's Office. [DRAFT.] For approval.

No. 1999 15. Enc: 1.

( )

Bangalore, the 12th October 1885.

To

The Secretary
to the Government of Ind
Foreign Depart

Sir

I have the honor to
submit for the consideration
and orders of His Excellenc
the Governor General in Coun
certain points in connection with
operation of Acts XX of 1847
and XXV of 1867 in the territorie
of Mysore and in the
Civil and Military Station
of Bangalore (Brigade Dist),

2 The Acts in question
were extended without
modifications to the territorie
of Mysore before the Rendi
by

Sig A

Encl 1 to 10, Sig A

with special ref. to the pro-
vision of the Copyright A
works published therein.

SUBJECT.

Submits for orders certain questions relating to th
operation of Act XX of 1847 (Copyright of books) and Act XXV
of 1867 (Printing Presses and Newspapers), in the Mysore State
and in the C & M. Station of Bangalore.

Proceedings, No.

by Notification No. 176 dated 12th September 1867 of the Government of India in the Foreign Department. Subsequently the Commissioner of Mysore (afterwards Chief Commissioner) in his Notification No. 169 dated 11th October 1867, issued Subsidiary rules under section 20 of Act XXV of 1867 for carrying out the provisions of that Act. A Manuscript Copy of these rules is herewith forwarded for reference.

Sent in Slip A

Page 18. Slip A

3. Act XX of 1847 provided, in its sections 3 and 5, that the Copyright of a work published in British India could be secured (1) by the payment of a fee of Rupees 2 to the Secretary to the Government of India in the Home Department, and (2) by ~~Carding~~ the Entry of certain particulars regarding the work ~~the Book~~ in the Book of Registry Kept in the office of the said Secretary.

Slip A

4. Subsequently, it was provided in Sec. 18 of Act XXV of 1867 ~~provided, in its Section 18~~, that a Catalogue of all books published in British India

Slip A.

India shall be kept at such office as the Local Government shall appoint, and that in this Catalogue the Name and other particulars of every book printed in British India shall be registered; and further that every registration made in the Catalogue shall, upon payment of the sum of ten rupees to the officer keeping the said Catalogue, be deemed to be an Entry in the book of Registry kept in his office of the Secretary to the Government ~~of~~ India in the Home department under Section 3 of Act ~~XX~~ of 1867 (Copyright of Books).

5 In order to give ~~from~~ practical effect to the provision made in ~~the~~ Act XXV of 1867 as regards the Copyright of Books, the Government of India in the Home Department, in letter No. 45/873 dated the 6th May 1876, instructed Local Governments to submit with the quarterly Catalogue of all books printed and delivered under the provisions of that Act, ~~&c~~

an Extract from the same Catalogue relating to books, the Copyright of which has been locally secured, for entry in the Book of Registry kept in the Home Department under Section 3 of Act XX of 1847. In a later communication (Letter No. 40-1929 dated 2nd December 1876) the Government of India prescribed the form in which such extracts should be submitted. Serial No. 2.

6. The Copyright of books has hitherto been secured in Mysore by the payment of two rupees to the Deputy Superintendent (now Deputy Commissioner) of the District under the rules contained in the Commissioner's Notification No. 169 dated 11th October 1867. By the subsequent entry of the Copyright in the book of Registry kept in the Home Department, the Copyright receives effect not only within the territories of Mysore but also in British India, and accordingly the fee of two rupees paid in Mysore for securing such Copyright should apparently have been credited to Imperial Revenues. This, however, has never been done, and the point

in wh. the work was prohibited

Slip A

(Continuation ~~of Note or Precis~~)

Has not hitherto attracted attention

7. I have the honour to inquire whether the fees hitherto collected on Copyrights granted in Mysore, and credited to the resources of Mysore, ~~& must be recovered from the Mysore Government, or whether the same were~~ ~~intended for the information~~ ~~of the Government of India that while the~~ Mysore Government has retained the fees for Copyrights, it has always borne the cost of supplying copies of books, published in Mysore, to the Government of India and to Secretary of State under the provisions of Section II of Act XXV of 1867, ~~& no specific direction appears to the~~ ~~contrary~~ a charge, ~~against~~ by the Imperial Revenues of Mysore, ~~pending the future payment of the fees,~~ ~~Metropolitics print~~ Re-Request ~~&~~

I should hardly deem necessary now to recover from the Darbar

More particularly having regard to the fact that though the

ask that it may be borne

Addressed to the Govt of India

A separate

8. ~~I have the honour to~~ ~~make another~~ question which, ~~after the Resolution, the~~ ~~State of Mysore Code, for the~~ ~~purpose~~

~~purposes of these Acts, be looked upon in the same light as it was before that Treaty, and to them~~ Copyrights ~~were~~ secured in Mysore ~~could be held to have secured and having~~ Effect in British India.

since the rendition in 1881 under the provisions of the same Acts have

9. The Acts in question were, as already noted, originally extended to Mysore ~~with~~ without any modifications, ~~and~~ but they have since come ~~to be continued in force in the~~ within the scope of the State subsequent to the rendition by virtue of Article 19 of the Instrument of Transfer. In consequence, however, ~~the Government of Mysore has~~ in its Notification No 153 dated 2nd September 1881, ~~ruled that~~ as modified by the ~~in all Acts, Rules and Regulations~~ now in force in Mysore The terms "Government of India", "Governor General in Council" &c. shall mean the Government of His Highness the Maha Rajah of Mysore. This notification ~~has since been extended under the instructions~~ of the Government of India conveyed in letter No 1544. I. dated 16th May 1885 from the Foreign department and it has been ruled that that notification shall not relate to British subjects in the case of Certain enactments which

Slip C.

Slip D

~~which apply for this purpose~~ in Mysore, & the General Clauses act I of 1868, & section 23 of the Indian Penal Code and & the Indian Coinage Act- XXIII of 1870. Thus the Acts of 1847 and 1867 now under reference are not excluded from the operation of the Notification of the 2nd September 1887 and it follows that the rules of interpretation laid down in that Notification are applicable to these Acts. In the Acts as now in force in the State, ~~therefore, clause of opinion that~~ "Mysore" has to be substituted for "British India"; the "Government of His Highness the Maha Rajah of Mysore" for "Governor General in Council" and "Local Government"; and the "Secretary to the Government of Mysore" for "Secretary to the Government of India in the Home Department.

Thus in Acts XX of 1847 and XXV of 1867

10. ~~In this~~
This brings the case, ~~Correct~~,

A memorandum that
~~Copy~~ Copyright granted in
Mysore ~~since~~ since the Rendition have
effect only within the limits
of Mysore; and consequently it
~~would seem to be~~ unnecessary
to forward to the Government
of India, for entry in the book
of Registry kept in the Home
Department, quarterly extracts
from the Catalogues of books
specifying those ~~books~~ which the Copy-
right of which has been secured
in Mysore, ~~The law to be~~
~~be right to be entered in the~~
Revenue, and persons who
wish to secure in British
India the Copyright of their
books published in Mysore
will have to apply for the same
to the ~~British India~~ Authorities
in ~~British India~~ paying
~~separate fee of Rs.~~

unless indeed it is desired that the authors secure the Copyright in British India as well, in which event they will apparently be under the necessity of paying a fee of Rs. 25 the usual fee.

II. ~~In the same manner~~ In the same way
the act of ~~any~~ must also be
held to apply to the Territories
of Mysore without any con-
~~nection with British India~~
the Government of Mysore
would now seem to be ~~not legally~~
~~bound~~ to supply to the Govern-
-ment of India and to the
Secretary

under no legal obligation

under Sec.

~~Secretary of State~~ ~~Copies of~~ books printed in Mysore, ~~under~~ of the Act. 1867, Section 11 or the quarterly catalogue of books printed in Mysore, under Section 19 ~~to~~ ~~have been shown the practice~~ ~~hitherto~~ ~~of the British Government desire to have~~ the existing practice in this respect continued, I am of opinion that this can be effected as a private arrangement between the two ~~Governments~~

provided this

But the continuance of the existing practice should be arranged without officially with the Govt of India so desire.

~~12. I have the honour to request that the favour of your Communicating to me the views and instructions of the Government of India on the points referred to in the foregoing paragraphs.~~ I beg at the same time to say that I have considered it advisable to ascertain the views of the Government of India before addressing the ~~Mysore Durbar on the subject.~~

~~13. I take this opportunity~~

of placing before the Government of India the manner in which the Acts in question operate in the Civil and Military Station of Bangalore.

14. On the assignment by His Highness the Maharaja of Mysore to the British Government of the lands comprised within the present Civil and Military Station of Bangalore, The Government of India in Notification No. 126 G.P. dated the 28th April 1881 issued in the Foreign Department, declared that "all laws, regulations and "rules in force in the aforesaid "lands on the 25th day of "March 1881 shall be deemed "to be in force therein." By this authority all the laws in force in the tract now styled the Civil and Military Station of Bangalore before the date of Rendition became applicable Mutatis Mutandis to the Civil and Military Station under British Rule.

The Laws and Rules in force in the Civil and Military Station of Bangalore, before the assignment of the same to the British Government.

15. Subsequently, in Notification No. 2252 I. dated the 7th August 1883 issued by the Government of

of India in the Foreign Department a list was given of all the Acts in force in the Station and it was formally declared that the Acts mentioned in that list applied to the Civil and Military Station to the extent and subject to the modifications specified opposite to each.

12. Both the Acts under consideration, namely XX of 1847 and XXV of 1867 ~~are~~

and the procedure observed in the India Office in issuing the Copyright registers published therein, both as regards the payment of the fee to the Govt. and the entry in the Book of Registry kept by the Secretary of S. in the H. Dept. are the same [illegible] ~~upon Copyright not Laws effect in the Dist. does not extend to~~ ~~H.M. Dominions~~ ~~Govt. of India~~

Mysore 5/10/83

~~12. It appears from this list that the Acts (XX of 1847 and XXV of 1867) in question are not applicable to the Civil and Military Station of Bangalore without any modifications. The terms "Governor General in Council" and "Government of India" refer therefore actually to the Governor General in Council and the Government of India, and not, as in the case of Mysore after the Rendition, to the Government of His Highness the Maharaja of Mysore~~

~~17 Copyrights of books registered in the Civil and Military~~

Military Station of Bangalore have therefore to be registered in the Book of Registry Kept in the office of the Home Department of the Government of India, under the provisions of Sections 5 and 6 of Act XX of 1847, and by the fact of such Registry such Copyrights would seem to hold good not only in the Civil and Military Station but also in British India. Such Copyright would, however, not hold good in Mysore, nor those Secured in Mysore hold good in the Civil and Military Station.

18. The fee collected in the Civil and Military Station on account of Copyright is now remitted to the Resident's Treasury under the provisions of Rule 3 of the Subsidiary Rules under Section 20 of Act XXV of 1867, which were issued by the Resident in his Notification No 14 dated the 16th January 1885.

19. The quarterly Catalogue of books registered in the Station and the extract therefrom relating to Copyrights, and the Copies

OFFICE OF THE
1 FEB 86
RESIDENT IN MYSORE

No. 218 I

See print (copies) 40/1

9.II.86
26.1.86

Take any action
we may be advised
needed - I submit
for me, please, with
P.P. on our return
to Bangalore.
28.1.86.

From

The Junior Under Secretary to the
Government of India

To

The Resident in
Mysore

Fort William, the 19th January 1886.

Foreign Departt.
Internal.

Sir,

I am directed to acknowledge the receipt of your letter, No. 1959/15, of the 12th October 1886, regarding the operation of Acts XX of 1847 and XXV of 1867 in the territories of Mysore, and the Civil and Military station of Bangalore (Assigned Tract) with special reference to the preservation of the Copy-right of works published therein.

† Repealed by Act VII of 1914

2. The points on which the orders of the Governor General in Council are requir=ed are as follows:-

(1) Whether Copy-rights secured in Mysore since the rendition, under the provi=sions of Acts XX of 1847 and XXV of 1867,

have effect in British India.-

(2) Whether the cost hitherto incurred in supplying copies of books published in Mysore to the Government of India and to the Secretary of State under the provisions of Section 11 of Act XXV of 1867 should be borne by Imperial revenues or by the revenues of Mysore.-

(3) Whether the fee of Rupees 2 hitherto levied for securing the Copy-right of books in Mysore should be credited to the Mysore Government or to Imperial revenues.-

(4) Whether it is necessary for quarterly extracts showing the Copy-rights granted and secured in Mysore to be forwarded to the Government of India.-

(5) Whether the Government of Mysore is under any legal obligation to supply to the Government of India and to the Secretary of State Copies of books printed in Mysore as provided in Section 11 of Act XXV of 1867, or the quarterly catalogue printed in Mysore under the provisions of Section 19.-

With regard to the first of

the

the foregoing points, on which the whole case really turns, I am to say that the Copy-right of a book published beyond the limits of the British Empire cannot be acquired in British India by registration under Act XX of 1847 or Act XXV of 1867.- The application of these acts to foreign territory such as Mysore, Bangalore, or Berar, affords protection within that territory to books published therein.- The fact that Mysore was under British administration and is now under the administration of the Maharaja is immaterial.- The territory was and is foreign territory. A person publishing a book in Mysore could, and can under Acts XX of 1847 and XXV of 1867 as applied to Mysore acquire Copy-right in Mysore. but he could not, and cannot acquire in British India Copy-right in a book published in Mysore.- So far as Copy-right is concerned the Civil and Military station of Bangalore is in the same position as Mysore was and is.- If a resident of either territory wishes to acquire Copy-right in British India he must publish his

room in British India.—

4. With reference to the 2nd and 3rd of the points specified above the Governor General in Council considers it unnecessary to take any action in regard to the payments made and fees received by the Mysore State. With regard to the remaining questions I am to observe that in accordance with the views stated in para: 3 of this letter the Mysore Government is under no obligation to supply to the Government of India and the Secretary of State the quarterly extracts and copies of books referred to.— The practice is mischievous and misleading and should therefore be discontinued.

I have the honor to be,
Sir,
Your most Obedt Servant.

Junior Under Secretary to the
Government of India

No. 1939-15, dated Bangalore, 12th October 1885.

From—C. GIRDLESTONE, Esq., Officiating Resident in Mysore,

To—H. M. DURAND, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I have the honor to submit, for the consideration and orders of His Excellency the Governor-General in Council, certain points in connection with the operation of Acts XX of 1847 and XXV of 1867 in the territories of Mysore and in the Civil and Military Station of Bangalore (Assigned Tract), with special reference to the preservation of the copyright of works published therein.

2. The Acts in question were extended without modification to the territories of Mysore before the rendition by Notification No. 176, dated 12th September 1867, of the Government of India in the Foreign Department. Subsequently the Commissioner of Mysore (afterwards Chief Commissioner) in his Notification No. 169, dated 11th October 1867, issued subsidiary rules under section 20 of Act XXV of 1867 for carrying out the provisions of that Act. A manuscript copy of these rules is herewith forwarded for reference.

3. Act XX of 1847 provided in its sections 3 and 5, that the copyright of a work published in British India could be secured (1) by the payment of a fee of Rs. 2 to the Secretary to the Government of India in the Home Department, and (2) by the entry of certain particulars regarding the work in the Book of Registry kept in the office of the said Secretary.

4. Subsequently it was provided in section 18 of Act XXV of 1867, that a catalogue of all books published in British India shall be kept at such office as the Local Government shall appoint, and that in this catalogue the name and other particulars of every book printed in British India shall be registered, and further that every registration made in the catalogue shall, upon payment of the sum of Rs. 2 to the officer keeping the said catalogue, be deemed to be an entry in the Book of Registry kept in the office of the Secretary to the Government of India in the Home Department under section 3 of Act XX of 1847 (Copyright of Books).

5. In order to give practical effect to the provision made in Act XXV of 1867 as regards *the copyright of books*, the Government of India in the Home Department, in letter No. 15-813, dated the 6th May 1876, instructed Local Governments to submit with the quarterly catalogue of all books printed and delivered under the provisions of that Act, an extract from the same catalogue relating to books, the copyright of which had been locally secured for entry in the Book of Registry kept in the Home Department under section 3 of Act XX of 1847. In a later communication (letter No. 40-1929, dated 2nd December 1876) the Government of India prescribed the form in which such extracts should be submitted.

6. The copyright of books has hitherto been secured in Mysore by the payment of Rs. 2 to the Deputy Superintendent (now Deputy Commissioner) of the district in which the work was published, under the rules contained in the Commissioner's Notification No. 169, dated 11th October 1867. By the subsequent entry of the copyright in the Book of Registry kept in the Home Department, the copyright receives effect not only within the territories of Mysore but also in British India, and accordingly the fee of Rs. 2 paid in Mysore for securing such copyright should apparently have been credited to Imperial revenues. This, however, has never been done, and the point has not hitherto attracted attention.

7. It would hardly seem necessary now to recover from the Darbar the fees hitherto collected on copyrights granted in Mysore and credited to the revenues of Mysore, more particularly having regard to the fact that though the Mysore Government has retained the fees for copyrights, it has always borne the cost of supplying copies of books published in Mysore to the Government of India and to the Secretary of State under the provisions of section 11 of Act XXV of 1867, a charge which

should properly be borne by the Imperial revenues. But upon this point and regarding the future payment of the fees I would request the orders of the Government of India.

8. A separate question is whether copyrights secured in Mysore since the rendition in 1881 under the provisions of the same Acts have effect in British India.

9. The Acts in question were, as already noted, originally extended to Mysore without any modifications, but they have since come within the scope of the Darbar Notification No. 153, dated 2nd September 1881, as modified by the orders of the Government of India conveyed in letter No. 1544-I., dated 16th May 1885, from the Foreign Department. Thus in Acts XX of 1847 and XXV of 1867 "*Mysore*" has to be substituted for "British India," the "Government of His Highness the Maharaja of Mysore" for "Governor-General in Council" and "Local Government;" and the "Secretary to the Government of Mysore" for "Secretary to the Government of India in the Home Department."

10. This being the case, it would seem that copyrights granted and secured in Mysore since the rendition have effect only within the limits of Mysore, and consequently that it is unnecessary to forward to the Government of India, for entry in the Book of Registry kept in the Home Department, quarterly extracts from the catalogues of books specifying those of which the copyright has been secured in Mysore, unless, indeed, it is desired by the authors to secure the copyright in British India as well, in which event they should apparently pay an additional fee of Rs. 2 to the British Government.

11. In the same way the Government of Mysore would now seem to be under no legal obligation to supply to the Government of India and to the Secretary of State copies of books printed in Mysore, as provided in section 11 of the Act of 1867, or the quarterly catalogue of books printed in Mysore, under the provisions of section 19. The continuance of the existing practice could no doubt be arranged without difficulty with the Darbar should the Government of India so desire.

12. Both the Acts under consideration, namely, XX of 1847 and XXV of 1867, are applicable to the Civil and Military Station of Bangalore without any modifications, and the procedure observed in British India for securing the copyright of works published therein, both as regards the payment of the fee to the British Government and the entry in the Book of Registry kept by the Secretary to the Government of India in the Home Department, will continue to be followed as heretofore.

No. 169, dated 11th October 1867.

NOTIFICATION—By the Resident in Mysore

The provisions of Act XX of 1847 (regarding copyright of books) and Act XXV of 1867 (for the regulation of printing presses, and of periodicals, for the preservation of copies of books printed in British India, and for the registration of such books) having been extended under the authority of the Governor-General of India in Council to the Mysore territory, the following subsidiary rules are hereby prescribed by the Commissioner of Mysore under the provisions of section 20 of the latter Act.

1. Three copies of every work printed or lithographed in a district of this province, shall, under the provisions of section 9 of Act XXV of 1867, be delivered by the printer to the Deputy Superintendent of such district, together with a memorandum containing the following particulars :—

(1) The title of the book and the contents of the title page with a translation into English of such title and contents, when the same are not in the English language;

(2) The language in which the book is written;
(3) The name of the author, translator, or editor of the book or any part thereof;
(4) The subject;
(5) The place of printing and the place of publication;
(6) The name of firm of the printer and the name or firm of the publisher;
(7) The date of issue from the press or of the publication;
(8) The number of sheets, leaves or pages;
(9) The size;
(10) The first, second or other number of the edition;
(11) The number of copies of which the edition consists;
(12) Whether the book is printed or lithographed;
(13) The price at which the book is sold to the public; and
(14) The name and residence of the proprietor of the copyright, or of any portion of such copyright.

2. On receipt of the required number of copies, as well as of the prescribed memorandum, the Deputy Superintendent shall give a receipt in writing for the copies so received.

3. The three copies of each work shall, as soon as practicable, after delivery be forwarded by the Deputy Superintendent to the Curator of the Government Library at Bangalore, accompanied by the memorandum of particulars specified in Rule 1, and also by a bill for the three copies, at their *bonâ fide* sale price.

4. On receipt of the books and accompanying memorandum the Curator of the Government Library shall enter the particulars stated in such memorandum in a book to be kept in his office entitled "Catalogue of Books printed in the Mysore Province," and shall thereupon remit the amount of the bill for the three copies to the Deputy Superintendent for payment to the printer.

5. In order to secure the copyright of the work delivered the proprietor may pay to the office where delivery is made the sum of Rs. 2, for which amount the Deputy Superintendent will grant a receipt, and remit it to the Curator of the Government Library, who shall thereupon record the fact in the catalogue.

6. Prosecution for infringement of the provisions of Act XXV of 1867 shall be instituted by the Curator of the Government Library upon information received from Deputy Superintendents of districts or other reliable source.

7. The Curator of the Government Library shall forward two copies of each work to the Secretary to the Commissioner with a memorandum of particulars specified in Rule 1 above, a note being attached to the memorandum stating whether the copyright has been secured under the Act, and he shall retain the third copy in his office in a special library. The copies forwarded to the Secretary to the Commissioner shall be disposed of as prescribed in section 11 of Act XXV of 1867.

No. 218-I., dated Fort William, 19th January 1886.

From—G. S. Forbes, Esq., Junior Under-Secretary to the Government of India, Foreign Department,

To—The Resident in Mysore.

I am directed to acknowledge the receipt of your letter No. 1939-15 of the 12th October 1885, regarding the operation of Acts XX of 1847 and XXV of

1867 in the territories of [redacted] and the Civil and Military Station of Bangalore (Assigned Tract), with special reference to the preservation of the copyright of works published therein.

2. The points on which the orders of the Governor-General in Council are required are as follows:—

(1) Whether copyrights secured in Mysore since the rendition, under the provisions of Acts XX of 1847 and XXV of 1867, have effect in British India.

(2) Whether the cost hitherto incurred in supplying copies of books published in Mysore to the Government of India and to the Secretary of State under the provisions of section 11 of Act XXV of 1867 should be borne by Imperial revenues or by the revenues of Mysore.

(3) Whether the fee of Rs. 2 hitherto levied for securing the copyright of books in Mysore should be credited to the Mysore Government or to Imperial revenues.

(4) Whether it is necessary for quarterly extracts showing the copyrights granted and secured in Mysore to be forwarded to the Government of India.

(5) Whether the Government of Mysore is under any legal obligation to supply to the Government of India and to the Secretary of State copies of books printed in Mysore as provided in section 11 of Act XXV of 1867, or the quarterly catalogue printed in Mysore under the provisions of section 19.

3. With regard to the first of the foregoing points, on which the whole case really turns, I am to say that the copyright of a book published beyond the limits of the British Empire cannot be acquired in British India by registration under Act XX of 1847 or Act XXV of 1867. The application of these Acts to foreign territory, such as Mysore, Bangalore, or Berar, affords protection within that territory to books published therein. The fact that Mysore was under British administration and is now under the administration of the Maharaja is immaterial. The territory was and is foreign territory. A person publishing a book in Mysore could and can under Acts XX of 1847 and XXV of 1867 as applied to Mysore acquire copyright in Mysore. But he could not and cannot acquire in British India copyright in a book published in Mysore. So far as copyright is concerned the Civil and Military Station of Bangalore is in the same position as Mysore was and is. If a resident of either territory wishes to acquire copyright in British India, he must publish his book in British India.

4. With reference to the 2nd and 3rd of the points specified above, the Governor-General in Council considers it unnecessary to take any action in regard to the payments made and fees received by the Mysore State. With regard to the remaining questions I am to observe that in accordance with the views stated in paragraph 3 of this letter, the Mysore Government is under no obligation to supply to the Government of India and the Secretary of State the quarterly extracts and copies of books referred to. The practice is mischievous and misleading and should therefore be discontinued.

Nos. 219-220-I.

Copy of the foregoing correspondence forwarded to the Home and Legislative Departments for information,

Exd.—W. G. B.

RESIDENT IN [redacted]ORE.

NOTIFICATIONS.

Bangalore, the 15th January 1885.

No. 14.—The provisions of Act XX of 1847 (regarding copy-right of books) and Act XXV of 1867 (for the regulation of Printing Presses and of Periodicals, for the preservation of copies of books printed in British India, and for the registration of such books) having been formally declared, under the authority of the Governor General of India in Council, to apply to the Civil and Military Station of Bangalore, the following subsidiary rules are hereby prescribed by the Officiating Resident in Mysore under the provisions of Section 20 of the latter Act:—

1. Three copies of every work printed or lithographed in the Civil and Military Station of Bangalore shall, under the provisions of section 9 of Act XXV of 1867, be delivered by the printer to the Collector and District Magistrate of the Civil and Military Station of Bangalore, together with a memorandum containing the following particulars:—

(1) The title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language:

(2) The language in which the book is written:

(3) The name of the author, translator, or editor of the book or any part thereof:

(4) The subject:

(5) The place of printing and the place of publication:

(6) The name or firm of the printer and the name or firm of the publisher:

(7) The date of issue from the press or of the publication:

(8) The number of sheets, leaves, or pages:

(9) The size:

(10) The first, second, or other number of the edition:

(11) The number of copies of which the edition consists:

(12) Whether the book is printed or lithographed:

(13) The price at which the book is sold to the public:

(14) The name and residence of the proprietor of the copy-right or of any portion of such copy-right: and

(15) The date on which the copy-right was registered.

2. On receipt of the ~~required number of copies~~ copy of the work, as well as of the prescribed memorandum, the Collector and District Magistrate shall give a receipt in writing for the ~~copies~~ copy so received and shall enter the particulars stated in such memorandum in a book to be kept in his office, entitled "Catalogue of books printed in the Civil and Military Station of Bangalore," ~~and shall thereupon pay to the printer, on presentation of the usual bill, the *bonâ fide* sale price of the three copies of the books described in the said memorandum.~~ copy of the book) S. 41

3. In order to secure the copy-right of the work delivered, the proprietor may, in accordance with the last clause of section 18 of Act XXV of 1867, pay the sum of two rupees to the Collector and District Magistrate, who will thereupon grant a receipt for the same and remit the amount to the Resident's Treasury.

4. Prosecution for infringement of the provisions of Act XXV of 1867 shall be instituted by such officer as the Resident may appoint in each case upon information received from the Collector and District Magistrate.

5. The Collector and District Magistrate shall at the close of each quarter ~~forward two copies of each work registered by him during such quarter, to~~ furnish the Assistant to the Resident in Mysore, with a true extract from the catalogue of books kept by him under Rule 2 of this notification, giving all the particulars regarding each book as specified in Rule 1 above, a note being made in the column of remarks stating briefly the nature or character of the work referred to. The Collector and District Magistrate shall retain ~~the third copy~~ in his office in a special library.

of the work
the two supplied to him under
Rule 1 of this Notification

6. The works registered during the quarter in the said catalogue shall be arranged in the quarterly extract referred to in the preceding rule in strict conformity with the instructions contained in the Resolution of the Government of India, Home Department, No. 1—462, dated 12th September 1882, and forwarded to the Assistant to the Resident in Mysore as soon as possible after the end of such quarter for publication in the *Gazette of India*, in accordance with the provisions of Section 19 of Act XXV of 1867.

the quarterly extract shall be

By Order,
H. WYLIE, *Major*,
Assistant to the Resident.

Rule 7 added
Vide Govt Order dated 15/8/85

7. The printer of every newspaper printed in the Civil and Military Station of Bangalore, shall deliver free of expense to the Assistant to the Resident, Bangalore, four copies of each issue of such newspaper as soon as it is published.

By Order

The Publisher, Gazette of India
for publication in Part II.

Asst. to the Resident

PRESIDENT'S OFFICE.

Serial No.

[DRAFT.]—For approval.

No. 835

Dated, 2nd April 1886.

To.

Notification

The provisions of Act XX of 1847 (regarding copy-right of books) and Act XXV of 1867 (for the regulation of Printing Presses and of Periodicals; for the preservation of copies of books printed in British India, and for the registration of such books) having been formally declared, under the authority of the Governor General of India in Council, to apply to the Civil and Military Station of Bangalore, the following revised ~~subsidiary~~ rules, in supersession of those contained in the Resident's Notification No. 14 dated 15th January, 1885, are hereby prescribed by the Officiating Resident in Mysore under the provisions of Section 20 of the latter Act:—

(Here enter rules as revised in Sl. No. 13)

Sl. No. 13

Serial No.

RESIDENT'S OFFICE.

[DRAFT.]—For approval.

No. 836 / 153 Encl 1.

Dated, 2nd April / March 1886.

To. The Collector and Dt. Magistrate
(& Ex Station of Bangalore

Sir,

I am directed to inform you that in answer to ~~an~~ a reference by the Offg Resident regarding the operation of Acts XX of 1847 and XXV of 1867 in the (& Ex Station of Bangalore, the Government of India has ~~observed~~ noted that the Copy-right of a book published in the Assigned Tract cannot be acquired in British India by registration under Act XX of 1847 or Act XXV of 1867.

Sl. No. 12

2. This decision ~~of the Government of India~~, I am to state, renders it unnecessary to supply ~~it~~ the Govt of India, and the Secretary of State with ~~the~~ quarterly extracts showing the copy rights granted and secured in the (& Ex Station, and copies of the books therein referred to. I am therefore to state that the two copies of the books supplied under Rule 5 of the Rules published under ~~Resident's~~ Resident's Notification No. 14 dated 15th

January, 1885 need not in future be furnished to this Office one copy only of the books in question should be purchased and retained in your office ~~in a Special~~ Library. The Notification referred to has accordingly been modified, and a copy of the revised Notification is herewith forwarded for your information and guidance.

The quarterly catalogue of books should as usual be forwarded to this Office. It will be printed and copies distributed as noted in the margin ~~but without reference to the Acts~~

+16 copies to the Govt of India
7 — do — Secy of State
2 — do — Chief Librarian Royal Library, Berlin
2 — do — Collector & Dt. Magte Location

I have, &c.,

G 30.3.86.

Asst to the Resident

AS.
29.3.86.

RESIDENT'S OFFICE.

Serial No. 16

[DRAFT.]—For approval.

No. 837/153

Dated, 2nd April 1886.

To. The Chief Secretary to the Dewan of Mysore.

Sir,

I am directed to state for the information of H. H. the Maharaja's Government that the Officiating Resident has recently addressed the Government of India regarding the operation of Acts XX of 1847 and XXV of 1867 in the State of Mysore with special reference to the preservation of the Copy-right of works published therein

Sl. No. 11

2. The points submitted were, among others,

(a) whether Copy-rights secured in Mysore since the Rendition under the provisions of Acts XX of 1847 and XXI of 1867, have effect in British India,

(b) whether it is necessary for quarterly extracts showing the Copy-rights granted and secured in Mysore to be forwarded to the Government of India and

(c) whether

(c) whether the Government of Mysore is under ~~any legal~~ obligation to supply to the Govt. of India and to the Secretary of State ~~a~~ copies of books printed in Mysore as provided in section 11 of Act XXV of 1867, or the quarterly catalogue printed in Mysore under the provisions of section 19.

3. With regard to the first of the foregoing points, ~~on which the whole case really turns~~, the Governor General in Council is of opinion that the copyright of a book published in the State of Mysore cannot be acquired in British India by registration under Act XX of 1847 or Act XXV of 1867. ~~With~~ As reference to the remaining points b and c, ~~the Government of India~~ H.H. in C considers that the Mysore Government is ~~under no obligation to~~ read not supply ~~them for transmission therein~~ to the Govt. of India or to ~~applicant~~, and the Secretary of State ~~with~~ the quarterly extracts and copies of the books therein referred to.

S. N. 12

4. Under these circumstances, I am to request that in future only 30 copies of the quarterly catalogues

RESIDENT'S OFFICE.

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Dated, 188

Serial No.

[DRAFT.]—~~For approval.~~ (Cont^d)

~~To.~~

16 copies to the Govt of India
7 — do — Secy of State for India
2 — do — Chief Librarian,
Royal Library, Berlin.
5 copies will be retained in this Office.

may be supplied to this office for information and distribution* as noted on the margin, ~~but without reference to the Acts.~~ ~~Copies of the books specified in the Catalogues need not be furnished as hitherto~~ here-fore.

I have, &c.

30. 3 86

Asst to the Resident

A.S.
29-3-86